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ECF Filing

Honorable Anita B. Brody
Judge, U.S. District Court
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street, Room 7613
Philadelphia, Pennsylvania 19106

Re: *Johnakin v. United States Postal Service et al.*, No. 20-cv-4055

Dear Judge Brody:

On behalf of the defendants, I write to request a short continuance of the Rule 16 conference currently scheduled in the above matter for September 22, 2020 at 10 a.m. Plaintiff Johnakin opposes this request for a continuance.

Defendants request a short continuance because the defendant United States Postal Service has a preliminary injunction hearing before Judge McHugh in a related matter *at the same time* as the scheduled Rule 16 conference. *See Commonwealth of Pennsylvania et al., v. DeJoy et al.*, No. 20cv-4096 (ECF No. 35). As set forth in yesterday's correspondence to you, Chief Judge Sanchez and Judge McHugh, the United States Postal Service believes that these two matters are related because both assert claims based on the same underlying facts – that the United States Postal Service allegedly adopted certain reforms which have impeded the Postal Service's ability to handle the anticipated volume of election mail.

Defendants request that the Rule 16 conference be rescheduled for Thursday or Friday of this week (September 24 or 25) or early the following week. This will allow the United States Postal Service to focus on the preliminary injunction hearing before Judge McHugh and for the district court to decide whether these cases should be reassigned to one judge. Plaintiff recently informed this Court that he does not object to the requested reassignment to Judge McHugh provided that the September 22, 2020 hearing before him proceeds as planned.

This slight delay will not unduly prejudice the plaintiff. Plaintiff only filed his preliminary injunction application this morning and defendants have not yet even been served with the complaint.

This is the defendants' first request for an extension.

WILLIAM M. McSWAIN
United States Attorney

/s/ Eric D. Gill
ERIC D. GILL
Assistant United States Attorney

cc: All Counsel of Record (via ECF)